

## **Exhibit 7: April 2, 2009 Staff Recommendation**

### **COASTAL CONSERVANCY**

Staff Recommendation  
April 2, 2009

### **INVASIVE SPARTINA PROJECT**

99-054-01  
Project Manager: Maxene Spellman

**RECOMMENDED ACTION:** Authorization to: 1) disburse up to \$565,454 of federal grant funds from the United States Environmental Protection Agency and from the United States Minerals Management Service's Coastal Impact Assistance Program for 2009 treatment and eradication projects and water quality monitoring to implement the Invasive Spartina Project Control Program within the San Francisco Estuary; and 2) modification of the Conservancy's prior authorization of April 24, 2008 by permitting the use of any remaining funds authorized for 2008 treatment and eradication to be used for treatment and eradication in 2009 or subsequent years.

**LOCATION:** The baylands and lower creek channels of the nine counties that bound the San Francisco Bay.

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy

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#### **EXHIBITS**

- Exhibit 1: [September 25, 2003 Staff Recommendation](#)
  - Exhibit 2: [June 16, 2005 Staff Recommendation](#)
  - Exhibit 3: [April 24, 2008 Staff Recommendation](#)
  - Exhibit 4: [September 25, 2008 Staff Recommendation](#)
  - Exhibit 5: [Map of 2009 Treatment Sites](#)
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#### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Chapter 4.5 of Division 21 of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the following:

1. Acceptance of a grant to the Conservancy in the amount of \$700,000 (seven hundred thousand dollars) from the United States Minerals Management Service Coastal Impact Assistance Program (CIAP), and a grant to the Conservancy in the amount of \$172,375 (one hundred seventy-two thousand three hundred seventy-five dollars) from the United States

Environmental Protection Agency (EPA) to implement treatment and eradication projects and water quality monitoring for the Invasive *Spartina* Project (ISP) Control Program.

2. Disbursement of up to \$400,000 (four hundred thousand dollars) of the CIAP grant and up to \$140,454 (one hundred forty thousand four hundred fifty-four dollars) of the EPA grant for 2009 (or subsequent) invasive *Spartina* treatment and eradication projects under the ISP Control Program, and up to \$25,000 (twenty-five thousand) of the EPA grant for water quality monitoring in connection with the invasive *Spartina* treatment and eradication projects.

Funds for treatment and eradication projects may be used to augment existing grants to the California Wildlife Foundation, Friends of Corte Madera Creek Watershed, the East Bay Regional Park District, City of Alameda, City of San Leandro, the San Mateo County Mosquito Abatement District, the Alameda County Flood Control and Water Conservation District, the California Department of Parks and Recreation, and United States Fish and Wildlife Service Don Edwards San Francisco Bay National Wildlife Refuge. Any grant of funds for treatment and eradication shall be subject to the following conditions:

- a. Prior to implementing any treatment and eradication project and prior to disbursement of any funds to the grantee, the grantee shall submit for review and approval of the Executive Officer a plan detailing the site-specific work for 2009, based on the outcome and extent of the 2008 treatment and including a list of identified mitigation measures, a work program for 2009 treatment and 2010 activities, if applicable, including a schedule and budget, and evidence that the grantee has obtained all necessary permits and approvals for the project.
  - b. In carrying out any treatment and eradication project, the grantee shall comply with all applicable mitigation and monitoring measures that are set forth in the approved site-specific plan, that are required by any permit, the amended Biological Opinion or approval for the project, and that are identified in the "Final Programmatic Environmental Impact Statement/Environmental Impact Report, San Francisco Estuary Invasive *Spartina* Project: *Spartina* Control Program" (FEIS/R), adopted by the Conservancy on September 25, 2003.
3. Modification of the Conservancy's prior authorization of April 24, 2008, relating to disbursement of funds for ISP Control Program treatment and eradication, by permitting the use of any remaining funds authorized for 2008 treatment and eradication to be used for treatment and eradication in 2009 or subsequent years, as needed. "

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. Disbursement of additional funds for the ISP Control Program treatment and eradication projects, and ongoing management for 2009, remains consistent with Public Resources Code Sections 31160-31165 and with the resolutions, finding and discussion accompanying the Conservancy authorizations of September 25, 2003, June 16, 2005, and April 24, 2008, as

shown in the staff recommendations attached as Exhibits 1 through 3 of the accompanying staff recommendation.

2. The proposed authorization remains consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.
  3. The California Wildlife Foundation, Friends of Corte Madera Creek Watershed, and Friends of the Petaluma River are nonprofit organizations existing under Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the California Public Resources Code.”
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## **PROJECT DESCRIPTION:**

### **Background and Accomplishments**

As detailed in previous staff recommendations (Exhibits 1, 2, 3 and 4), treatment and control of invasive *Spartina* and its hybrids within the San Francisco Bay Estuary are critical to the long-term health of the Estuary and to the species which inhabit and rely upon the salt marshes and tidal flats along its perimeter. Invasive *Spartina* spreads at a greater than exponential rate, and every tidal marsh restoration project implemented within the south and central San Francisco Bay Estuary in the past 16 years has been invaded by non-native invasive *Spartina*. Invasive *Spartina* also threatens to spread out the Golden Gate and north and south along the California coastline.

For the past nine years the Conservancy has managed the regionally coordinated effort to bring the infestation under control and is now moving towards eradication. The Conservancy advanced the project through, among other actions, 1) in 2003 adoption of the “Programmatic Environmental Impact Statement/Environmental Impact Report, San Francisco Estuary Invasive *Spartina* Project: *Spartina* Control Program” (FEIS/R), 2) in 2004 implementation of treatment at 12 demonstration sites, and 3) from 2005 through 2008 implementation of region-wide aggressive treatment, monitoring, and adaptive management at 24 sites (covering 156 sub-sites) utilizing a mix of control methods at all known infested sites.

The Conservancy’s Invasive *Spartina* Project (ISP) established control over the invasive *Spartina* populations Bay-wide in 2006 by realizing a significant overall reduction in acreage as well as halting seed production and dispersal over the majority of the Estuary. The 2007 and 2008 treatment shifted towards commencing control work earlier in the season when efficacy tends to be higher. Applying adaptive management to refine timing, coordination and methodologies, ISP continues to advance towards its goal of eradication. Currently 90% of the infestation has been removed from the Estuary.

In 2008, ISP management of the Control Program completed the first three-year update of 24 treatment plans covering 156 sub-areas, including one new site plan (North San Pablo Bay), and submitting these documents to the US Fish and Wildlife Service (FWS) for an amended Biological Opinion. FWS authorized treatment and approved an even longer treatment season. FWS was able to approve earlier access to some California clapper rail inhabited sites. Over the past four years the annual inventory surveys of the endangered rails have shown an increase in the number of rails at treated sites rather than the decrease that was expected. (To better understand the impact of treatment on clapper rails, ISP also conducts a telemetry study to

examine clapper rail movement.) The expanded treatment window is expected to not only increase efficacy but accommodate the increased time needed for ground-based treatment and spot control that now replaces much of the aerial broadcast applications.

Other ongoing ISP responsibilities include making presentations to regional stakeholders, obtaining necessary permits, preparing and implementing ISP's Water Quality Monitoring Plan and reports, obtaining genetic analyses of *Spartina* samples, coordinating replanting in Corte Madera Creek watershed and some East Bay Regional Park District sites, and continuing to seek landowner permissions to work on sites where work has not previously been done.

Finally, the Conservancy and ISP continue to make progress in the realm of stakeholder development. While treatment grantees are not able to provide large matches to fund 2009 control work, they continue to work with ISP to establish a strong network and commitment to a greater stewardship role in their marshes. This process is fostering dedication to the goals of the project, and strengthening knowledge of how to address various issues when they arise for the post-ISP landscape. In addition, through the South Bay Salt Pond Project Management Team, the Conservancy, ISP, FWS, the Department of Fish and Game and others developed Best Practices, to guide landowners and managers for long term stewardship. These Best Practices are posted on the ISP web site ([www.spartina.org](http://www.spartina.org)).

Overall, since 2000 the Conservancy has authorized expenditure of \$12,217,297 for the Invasive *Spartina* Project. Out of this total, \$8,055,250 came to the Conservancy from three CALFED grants (one federal- and two state-funded), a National Wildlife Foundation grant, a FWS grant, and a Wildlife Conservation Board grant. The remainder of \$4,162,047 was funded by the Coastal Conservancy. Most recently, in April 2008, the Conservancy authorized disbursement of funding for treatment of the ISP Control Program through the 2008 treatment season, and management through spring 2010.

Over the past two months, due to the stop work order issued to grantees and environmental services contractors funded with State bond funds, ISP management necessary to prepare for the 2009 treatment has been funded by an assemblage of foundation funding managed by Point Reyes Bird Observatory, the Conservancy's temporary fiscal sponsor for the project. Conservancy staff was successful in obtaining 'bare bones' funding from the Gordon and Betty Moore Foundation, the David and Lucile Packard Foundation, and the S.D. Bechtel, Jr. Foundation's Stephen Bechtel Fund for planning required to ensure that the 2009 treatment season is not missed.

### **2009 Control Program**

The majority of sites have been reduced significantly to a more scattered distribution over the previous footprint of the infestation. This progress necessitates for each year that began in 2008, a heightened focus on both identifying and subsequently treating remaining patches and then each and every plant of invasive *Spartina* throughout the Estuary to bring the project closer to the ultimate goal of eradication by 2012.

The EPA grant will provide funds for ISP to conduct the required monitoring for water quality before, during and after treatment. Other monitoring required by the Biological Opinion is to inventory the presence of California clapper rail at various site-specific plan sites prior to treatment activities. The Conservancy approved disbursement of Romic settlement funds on

September 25, 2008, (Exhibit 4, September 25, 2008 Staff Recommendation), which is being utilized to conduct clapper rail monitoring. While the settlement funds can only be used to monitor the south Bay, the U.S. Fish and Wildlife Service (FWS) and the Point Reyes Bird Observatory have agreed to assist ISP complete clapper rail monitoring in the north and central Bay.

Treatment will implement the updated site specific plans approved by the Conservancy (See Exhibit 3, April 24, 2008 Staff Recommendation.) Depending on when federal funds are available and whether both or only one of the federal sources of funding is received before or during the treatment season, grantees will treat all or a portion of the 300 acres that remain infested. At a minimum, treatment will occur at a level sufficient to prevent the further spread of invasive *Spartina*; at a maximum, grantees will fully treat all infested sites. See Exhibit 5, Map of 2008-2010 Treatment Sites. For 2009, FWS is able to provide settlement funds that can be provided for treatment to implement the site specific plans on its property. The bay-wide coordinated effort will also ensure treatment assistance to FWS by neighboring land managers cooperating with ISP.

## PROJECT FINANCING:

### A. Financing for this Authorization:

CIAP grant to the Coastal Conservancy	\$400,000
EPA grant to the Coastal Conservancy	\$165,454
Contributions (in-kind and cash) by Treatment Grantees	\$100,000
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<b>Total</b>	<b>\$665,454</b>

Funding for the proposed disbursement of \$400,000 for invasive *Spartina* treatment and eradication projects is expected to be provided under a grant from the United States Minerals Management Service's (MMS) Coastal Impact Assistance Program (CIAP) by which MMS may provide funds to the Conservancy for projects for conservation, protection or restoration of coastal areas including wetlands, and for implementation of a federally-approved comprehensive conservation management plan. Treatment and eradication activities are critical to the long-term health of the San Francisco Estuary and to the species which inhabit and rely upon the salt marshes and tidal flats along its perimeter. The project also implements specific Actions in the Wetlands Chapter of the San Francisco Estuary Project's 2007 Comprehensive Conservation and Management Plan (CCMP). Specifically, Action Wetlands Management – 4.2 of the CCMP calls for the prevention of the establishment of non-native plant species in wetland restoration; and Action Wetlands Management – 1.2 encourages geographically focused cooperative efforts to protect wetlands. The Invasive *Spartina* Project's goal is to eradicate invasive *Spartina* from the San Francisco Estuary to ensure it will not become established in wetland restoration projects; and ISP is a model for unifying state, federal, local and non-profit entities around the Bay to effectively work together to implement coordinated treatment of the bay-wide infestation.

While the total CIAP grant to the Conservancy for ISP is in the amount of \$700,000, only \$400,000 will be used for 2009 treatment activities. Staff will return to the Conservancy for authorization to spend the remaining \$300,000 over the next three years, consistent with the budget approved by the federal grantor.

Funding for the proposed disbursement of \$165,454 for treatment projects and water quality monitoring is expected to be provided under a grant from the United States Environmental Protection Agency's San Francisco Bay Area Water Quality Improvement Fund (EPA) by which EPA may provide funds to the Conservancy for invasive species management accomplished through a coordination of public agencies and nonprofit organizations, and for water quality improvement. As described in the previous paragraph, the project succeeds in a regional coordination of numerous public agencies and non-profit organizations to accomplish removal of invasive *Spartina* from the San Francisco Estuary while monitoring water quality.

The total EPA grant to the Conservancy is in the amount of \$172,375. Of this total, \$140,454 will be used for 2009 treatment; \$25,000 will be used for water quality testing; and the remainder of \$6,921 will be used to reimburse the Conservancy for its staff support.

**B. Breakdown by Grantee of Expected Financing for 2009 Treatment Projects:**

Depending on the respective efficacy of the 2008 treatment found at the various project sites, the funding each grantee will receive may be adjusted among grantees, but with no increase to the total amount authorized. While each grantee previously contributed matching funds and in-kind services meant to cover the 2008 treatment season, all but one will also contribute new matches for the additional funding from the Conservancy for the 2009 treatment season as follows:

<u>Grantee</u>	<u>New SCC Funding</u>	<u>New Grantee Match</u>
San Mateo Co. Mosquito Abatement District	\$100,000	\$30,000
California Wildlife Foundation	\$124,454	\$0
East Bay Regional Park District	\$85,000	\$30,000
Alameda County Flood Control & Water Conservation District	\$27,000	\$6,000
City of Alameda	\$74,200	\$5,000
City of San Leandro	\$15,000	\$5,000
City of Palo Alto	\$ 2,000	\$1,000
Friends of Corte Madera Creek Watershed	\$100,800	\$21,000
California Department of Parks	\$12,000	\$2,000

and Recreation

**TOTAL**

**\$540,454**

**\$100,000**

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

As described in previous staff recommendations (Exhibits 1 through 4) and associated Conservancy resolutions, the ISP and implementation of the Control Program serve to carry out the objectives for the San Francisco Bay Area Conservancy Program mandated by Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165. The ISP and its Control Program continue to protect and restore tidal marshes, which are natural habitats of regional importance.

**CONSISTENCY WITH CONSERVANCY'S  
2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S)**

The ISP and implementation of the Control Program continue to carry out the goals and objective of the 2007 Strategic Plan, as specified in the staff recommendation of April 24, 2008 (Exhibit 3).

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed authorization, which provides additional funding for the ISP Control Program is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated September 20, 2007, for the same reasons as detailed in the staff recommendation of April 24, 2008 (Exhibit 3).

**CONSISTENCY WITH SAN FRANCISCO BAY PLAN:**

The ISP Control Program is consistent with the San Francisco Bay Plan adopted by the San Francisco Bay Conservation and Development Commission. Policy 3(c), found in the section entitled "Marshes and Mudflats" (page 9), states: "the quality of existing marshes should be improved by appropriate measures whenever possible." The main purpose of this project is to remove invasive *Spartina* to improve the long-term quality of existing marsh habitat in the baylands of the San Francisco Estuary.

**COMPLIANCE WITH CEQA:**

The three-year updated site-specific plans and mitigation matrices for activities through 2010 for 24 sites were reviewed by the Conservancy in connection with its April 24, 2008 authorization. (See Exhibit 3.) These plans have not changed substantially in nature, extent, duration or scope since 2008. Overall, treatment and potential impacts are reduced because of successful treatment in the prior four years.

Since the treatment projects, including potential environmental effects and mitigation measures, remain materially unchanged, the proposed authorization remains consistent with the CEQA finding adopted by the Conservancy in connection with the June 16, 2005 authorization for the 22 original treatment sites, with the May 24 2007 authorization for the Petaluma River site, and with the April 24, 2008 authorization for the North San Pablo Bay site. No further environmental documentation for these treatment activities is required.